

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-CR-20015
HON. GEORGE CARAM STEEH

vs.

WAYLAND MULLINS,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION [#110]

On April 5, 2010, this court entered an Order dismissing the court's March 24, 2010 show cause order requiring Attorney Marvin Barnett to respond in writing as to whether he has or cannot provide defendant Wayland Mullins with his entire case file. Defendant now seeks reconsideration of this court's April 5, 2010 Order.

Local Rule 7.1(g)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

[M]otions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

E.D. Mich. L.R. 7.1(g)(3). Defendant has failed to demonstrate a palpable defect by which this court has been misled, the correction of which will result in a different disposition of this case.

The dispute at issue relates to defendant's contention that he is in need of all of the contents of Mr. Barnett's case file in order to prepare his habeas corpus petition. Mr. Barnett has indicated that some of the documents are extremely sensitive in nature, and are not available for copying. However, Mr. Barnett has provided defendant's appellate counsel, Joan Ellerbush Morgan, with the entire file, including an index of the documents.

In concluding that dismissal of the March 24, 2010 show cause order was appropriate, this court held that defendant's "motion prompting the March 24, 2010 show cause order is generalized, and fails to show that Mullins is or was unable to secure a copy of his case file from Attorney Morgan." See Dkt. No. 107 at 1. In defendant's present motion he likewise fails to advise this court whether he has attempted to obtain his case file from Ms. Morgan and whether or not she has provided same. Additionally, Defendant has not indicated how the contents of the documents unavailable for copying are necessary in presenting his claims in a petition for writ of habeas corpus. Defendant has not demonstrated he is entitled to the relief he requests.

Accordingly,

IT IS ORDERED that defendant's Motion for Reconsideration and for Other Relief is DENIED.

SO ORDERED.

Dated: April 28, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
April 28, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk